

**SPECIAL COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, SEPTEMBER 17, 2014  
8:30 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

A. MEETING CALLED TO ORDER.

'14 SEP 11 P4:53

B. ROLL CALL.

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

C. APPROVAL OF AGENDA.

D. PUBLIC COMMENT.

Pursuant to Council Rule 13(e), members of the public shall be allowed a total of eighteen (18) minutes on a first come, first served basis to speak on any agenda item. Each speaker shall be limited to three (3) minutes at the discretion of the Chair to discuss the agenda item and shall not be allowed additional time to speak during the meeting. This rule is designed to accommodate those who cannot be present throughout the meeting to speak when the agenda items are heard. After the conclusion of the eighteen (18) minutes, other members of the public shall be allowed to speak pursuant to Council Rule 12(e).

E. COMMUNICATION:

1. C 2014-248      Communication (09/11/2014) from the County Attorney, requesting authorization to expend additional funds up to \$12,750 to cover "costs" for Special Counsel's continued services, including appellate services, provided in Syngenta Seeds, Inc., a Delaware corporation, et al. vs. County of Kaua'i, Civil No. CV14-00014 BMK (U.S. District Court, District of Hawai'i), and related matters; provided that Special Counsel has agreed that throughout the appeal process Special Counsel will only bill the County for costs and not charge for legal fees beyond the \$210,000 previously authorized by the Council.

**F. EXECUTIVE SESSION:** *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-755 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session to allow Special Counsel to provide the Council with a briefing in Syngenta Seeds, Inc., et al., vs. County of Kaua'i, Civ. No. 14-00014 BMK (U.S. District Court, District of Hawai'i) and decision on further action including but not limited to filing an appeal, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item, and decision making. *(Deferred 09/10/2014)*
2. ES-756 Pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session to allow Special Counsel to provide the Council with a briefing in Syngenta Seeds, Inc., et al., vs. County of Kaua'i, Civil No. 14-00014 BMK (U.S. District Court, District of Hawai'i) for the Council to decide whether to appeal, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item, and decision making.
3. ES-757 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing in Syngenta Seeds, Inc., et al. vs. County of Kaua'i, Civil No. CV14-00014 BMK (U.S. District Court, District of Hawai'i), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
4. ES-758 Pursuant to Hawai'i Revised Statutes Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session for discussion and decision making relevant to Section 20.02(B) of the Kaua'i County Charter, to wit, investigating breach of confidentiality relating to executive session meetings, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

G. ADJOURNMENT.

- H. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHUʻE, KAUAʻI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.